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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street  
San Francisco, CA 94105-3901

OFFICE OF THE  
REGIONAL ADMINISTRATOR

July 27, 2000

The Honorable Dianne Feinstein  
United States Senate  
Attn: Monica Borvice  
525 Market Street, Suite 3670  
San Francisco, CA 94105

Dear Senator Feinstein:

Thank you for your inquiry of June 23, 2000 on behalf of your constituent, Ernie Moranda, regarding off highway vehicle (OHV) use at the Clear Creek Management Area (CCMA). In response to your letter, my staff has advised me of the following.

EPA has objected to the use of the CCMA as an OHV recreation area since 1981. Unfortunately, EPA has limited authority under the National Environmental Policy Act (NEPA) to directly influence the final decisions of lead agencies, in this case the Bureau of Land Management (BLM). In 1998, BLM denied our protest of the CCMA Final EIS, and with that action our potential remedies under NEPA were exhausted.

As our correspondence with BLM through the years amply demonstrates, we believe that there are compelling reasons to limit (or eliminate) the use of OHVs at CCMA. We have already stated our intention to monitor BLM's progress in meeting the commitments outlined in the CCMA Record of Decision. Further environmental progress at CCMA will likely require legislative action that is beyond the purview of our NEPA review program.

We appreciate the opportunity to respond to your inquiry. If you need further assistance with this matter, please contact my Congressional Liaison, Brent Maier, at (415) 744-1560.

Yours,

*for*   
Felicia Marcus  
Regional Administrator